

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BETTY COOK,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-08-180-F
)	
LANGSTON UNIVERSITY)	
and BOARD OF REGENTS)	
FOR OKLAHOMA STATE)	
UNIVERSITY AND THE)	
AGRICULTURAL AND)	
MECHANICAL COLLEGES,)	
)	
Defendants.)	

ORDER

Before the court is Defendants' Motion for Summary Judgment, filed December 1, 2008 (doc. no. 27).

Viewing the evidence in a light most favorable to plaintiff, the non-moving party, the court concludes that a genuine issue of material fact exists as to whether plaintiff was terminated from her employment position. The court therefore finds that defendants are not entitled to summary judgment as to plaintiff's Title VII retaliation claim and as to plaintiff's Burk¹ tort retaliation claim.

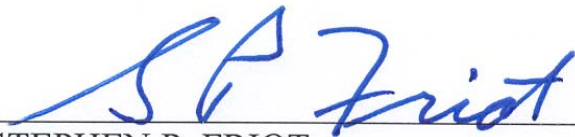
In light of plaintiff's confession in regard to the Title VII sexual harassment claim, the court finds that defendants are entitled to summary judgment on the Title VII sexual harassment claim.

¹ Burk v. K-Mart, 770 P.2d 24 (Okla. 1989).

As to the Title VII and Burk tort gender discrimination claims, the court finds that the claims may proceed to trial. As noted above, with respect to the Burk tort claim, a genuine issue of material fact exists as to whether plaintiff was discharged. Moreover, plaintiff invokes the Anti-Discrimination Act, Okla. Stat. tit. 25, § 1302(A), as evidence of Oklahoma's public policy. Defendants have not moved for summary judgment as to the Title VII gender discrimination claim. Defendants, in their reply brief, have raised an issue as to whether plaintiff has exhausted her administrative remedies concerning this claim. Defendants may urge this issue in a Rule 50 motion at trial.

Accordingly, Defendants' Motion for Summary Judgment, filed December 1, 2008 (doc. no. 27), is **GRANTED** as to plaintiff's Title VII sexual harassment claim and **DENIED** in all other respects.

DATED February 19, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE